



Office of the Secretary
of Transportation

U.S. DEPARTMENT OF TRANSPORTATION
DOCKET OPERATIONS AND MEDIA MANAGEMENT
Washington, D.C. 20590

2003-34

**Weekly Summary of Aviation Orders and Regulations
August 18 - August 22, 2003**

Order	Docket	Summary	Date Action Taken
2003-8-12	OST-2003-15553	Air Midwest, Inc. - Notice to Terminate Essential Air Service at Greenbrier/White Sulphur Springs, West Virginia Order 2003-8-12, the Department (1) allows Air Midwest, Inc. d/b/a US Airways Express, to suspend service at Greenbrier/White Sulphur Springs/Lewisburg, West Virginia, as of September 28, 2003; and, (2) relies on the scheduled air services of Atlantic Southeast Airlines, Inc., d/b/a Delta Connection, and Trans States Airlines, Inc., d/b/a US Airways Express, as alternate service patterns meeting the essential air service requirements of Greenbrier/White Sulphur Springs/Lewisburg, West Virginia. Served: 08/18/2003	08/13/2003
2003-8-13	OST-2003-14783	Champlain Enterprises, Inc. d/b/a Commutair - 90-Day Notice of Intent to Terminate Service at Plattsburgh, NY Order 2003-8-13, the Department extends the service obligation of CommutAir, Inc., d/b/a Continental Connection (CommutAir), at Plattsburgh, New York, for an additional 30 days, through September 29, 2003. Served: 08/18/2003	08/13/2003
2003-8-14	OST-2003-14535	Great Lakes Aviation, Ltd.	08/13/2003

**Notice of Intent to Terminate
Scheduled Air Service at
Scottsbluff, Nebraska**

Order 2003-8-14, the Department extends the service obligation of Great Lakes Aviation, Ltd. (Great Lakes), at Scottsbluff, Nebraska, for an additional 30 days, through September 19, 2003.

Served: 08/18/2003

2003-8-15	OST-2002-11376	Midwest Express, Inc. - 90-Day Notice to Terminate Scheduled Air Service between Salina, Kansas and Kansas City, Kansas Order 2003-8-15, the Department extends Air Midwest, Inc., d/b/a US Airways Express's (Air Midwest) service obligation at Salina, Kansas, for an additional 30 days, through September 22, 2003. Served: 08/18/2003	08/13/2003
2003-8-16	OST-2003-14822	Colgan Air, Inc., d/b/a US Air Express - 90-Day Notice of Intent to Terminate Essential Air Service at Lebanon, New Hampshire Order 2003-8-16, the Department extends the service obligation of Colgan Air, Inc., d/b/a US Airways Express (Colgan), at Lebanon, New Hampshire, for an additional 30 days, through August 25, 2003. Served: 08/18/2003	08/13/2003
2003-8-17	OST-2003-14536	Great Lakes Aviation, Ltd. - Notice of Intent to Terminate Scheduled Air Service at Riverton, Wyoming Order 2003-8-17, the Department extends the service obligation of Great Lakes Aviation, Ltd., (Great Lakes), at Riverton, Wyoming, for an additional 30 days, through September 19, 2003. Served: 08/18/2003	08/13/2003
2003-8-19	OST-2002-13089	United Parcel Service Co. Petition to Institute a Public Inquiry Into	08/19/2003

**the Citizenship and Foreign
Control of DHL Airways, Inc.**

Order 2003-8-19, the Department issues this Order in response to requests by the Chief Administrative Law Judge (Chief Judge) and parties in this proceeding to clarify Order 2003-7-36, issued by the Department July 30, 2003. By this Order, the Department clarifies that the scope of this proceeding is whether ASTAR Air Cargo, Inc., formerly known as DHL Airways, Inc. (ASTAR), under its BD Air Partners, LLC (BDAP) ownership meets the statutory test of citizenship, including whether it is under the actual control of U.S. citizens, as it now exists. Further, the Department clarifies that it does not view ownership as the sole consideration in a determination of a carrier's citizenship; rather, the test of citizenship includes whether ASTAR, as it now exists, is under the actual control of U.S. citizens. The Department, also, clarifies that it did not rule on the relevance of evidence with respect to the delineated issues before the ALJ in this proceeding in its Order 2003-7-36, instead addressing only the scope of the issues in this proceeding. Additionally, makes clear that requiring the ALJ assigned to this case to submit a Recommended Decision, rather than an Initial Decision, is appropriate in this proceeding and is required under that Department's regulations.

Served: 08/19/2003

2003-8-20

OST-2002-13089

**United Parcel Service Co.
Petition to Institute a Public
Inquiry Into the Citizenship and
Foreign Control of DHL Airways,
Inc.**

08/19/2003

Order 2003-8-20, the Department reviewed the decision of the Chief Administrative Law Judge (Chief Judge) on several Motions for Confidential Treatment filed by ASTAR Air Cargo, Inc., formerly known as DHL Airways, Inc. (ASTAR), which the Chief Judge referred to us by Order 13089-61, served August 4, 2003, and by Order 13089-67. served August 11. 2003. The Department finds that the Chief Judge erred in his decision in stating that ASTAR failed to comply with the requirements of Rule 12, and accordingly reverse these decisions and remand the matter with direction to rule on the substance of the motions.

Served: 08/19/2003

2003-8-21	OST-2002-12800	<p>Mesa Air Group, Inc. - Notice of Intent to Terminate Scheduled Air Service At Hobbs, New Mexico</p> <p>Order 2003-8-21, the Department extends Air Midwest's service obligation at Hobbs, New Mexico, for an additional 30 days, through September 22, 2003.</p> <p>Served: 08/22/2003</p>	08/19/2003
-----------	----------------	---	------------

2003-8-23	OST-2002-11376	<p>Midwest Express, Inc. - 90-Day Notice to Terminate Scheduled Air Service between Salina, Kansas and Kansas City, Kansas</p> <p>Order 2003-8-23, The Department</p>	08/21/2003
-----------	----------------	--	------------

sets the final subsidy rate for Air Midwest for the provision of essential air service at Salina, Kansas, to be payable as follows: for each calendar month during which essential air service is provided, the amount of compensation shall be subject to the weekly ceiling and shall be determined by multiplying the subsidy-eligible flights completed during the month to and from Kansas City by \$239.92; and, sets the final subsidy rate for Air Midwest for the provision of essential air service at Salina, Kansas, to be payable as follows: for each calendar month during which essential air service is provided, the amount of compensation shall be subject to the weekly ceiling and shall be determined by multiplying the subsidy-eligible flights completed during the month to and from Kansas City by \$299.41.

Served: 08/21/2003